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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Richard Fishel, et al.

Application No.: 10/510,363

Filing Date: October 5, 2004

Confirmation No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

For: **METHODS OF IDENTIFYING COMPOUNDS THAT MODULATE DNA REPAIR PATHWAY AND/OR RETROVIRAL INFECTIVITY, THE COMPOUNDS, AND USES THEREOF**

DATE OF DEPOSIT: *December 21, 2004*

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Elizabeth A. McLoud

TYPED NAME: Elizabeth A. McLoud

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified

application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
- ☐ Certification in Accordance with § 1.97(e) is attached; or
 - ☐ The fee of **\$180.00** as set forth in § 1.17(p) is attached.
- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of **\$180.00** as set forth in § 1.17(p).
- ☒ Copies of reference numbers **1 – 34 and 40 - 41** listed on the attached Form PTO-1449 are enclosed herewith.
- ☒ Copies of reference numbers **35 - 39** on the attached Form PTO 1449 are not required to be submitted pursuant to the waiver of 37 CFR § 1.98(a)(2)(i).
- ☐ Copies of references - are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number , filed for

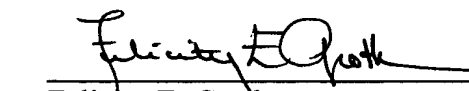
which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.

☐ The relevance of those listed references which are not in the English language is as follows:

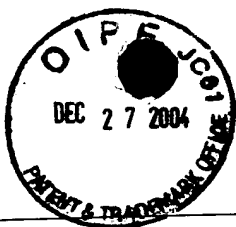
There are no listed references which are not in the English language.

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Date: December 21, 2004


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Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. SCHN-0033/ 1086-P-03	Application No. 10/510,363
		Applicant Richard Fishel, et al.	
		Filing Date October 5, 2004	Group Not Yet Assigned
		Confirmation No. Not Yet Assigned	
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	1	Altschul, S.F., et al., "Basic local alignment search tool," <i>J. Mol. Biol.</i> , 1990 , 215, 403-410	
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	11	Curcio, M.J., et al., "Single-step for Ty1 element retrotransposition," <i>Proceedings of the National Academy of Sciences</i> , 1991 , 88, 936-940		
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	36	4,737,462	04/12/88	Mark, et al.	435	253	
*	37	5,759,768	06/02/98	Haseltine, et al.	435	5	
*	38	6,242,175 B1	06/05/01	Jackson, et al.	435	5	
*	39	6,514,706 B1	02/04/03	Von Kalle, et al.	435	6	
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					YES	NO	
	40	WO 93/11236 A1	06/10/93	PCT			
	41	WO 03/089573 A2	10/30/03	PCT			
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* Listed on PCT International Search Report dated September 8, 2004 (PCT/US03/10302).